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PATENT  
ATTORNEY DOCKET NO.: 044574-5040-01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Patrick C. KUNG *et al.*

U.S. Application No.: 10/030,453

Group Art Unit: Unassigned

International Appln. Filing Date: March 9, 2001

Date of National Stage Entry: January 10, 2002

Examiner: Unassigned

For: PHYTOMICS: A GENOMIC-BASED APPROACH TO HERBAL COMPOSITIONS

## BOX PCT

Commissioner for Patents  
Washington, D.C. 20231**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed April 5, 2002.

A copy of the Notification of Missing Requirements (Form PTC/DO/EO/905) is enclosed.

2. Declaration Or Oath

- ☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
- ☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
- ☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

## 3. English Translation of Non-English Language Papers

☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

☐ Also enclosed is the Verification of Translation Document

## 4. Small Entity Statement(s)

☐ A statement claiming small entity status under 37 C.F.R. §1.27 is asserted for the present application.

## 5. Fee Calculation

Basic Fee: PCT Application-\$890.00				
	Number Filed	Number Extra	at a Rate of	
Total Claims	-20 =		\$18.00 each=	+\$
Independent Claims	- 3 =		\$84.00 each=	+\$
Multiple dependent claim(s), if any			\$280.00	+\$
Missing Requirements Surcharge Fee			\$130.00	\$130.00
SUB-TOTAL =				\$130.00
Reduction by ½ for filing by small entity				\$65.00
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(k) and § 1.52(d))			\$130.00	+\$
Fee For Processing and retention of application (37 C.F.R. § 1.21(l) and § 1.53(d))			\$130.00	+\$
TOTAL FILING FEE =				\$65.00

08/07/2002 SNAJARRO 00000128 500310 10030453

01 FC:254 65.00 CH

## 6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicants' petition for an extension of time, the fees for which are set out in 37 C.F.R. §§ 1.17(a)-(d), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>Fee for Small Entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> <b>two months</b>	\$ 400.00	<b>\$200.00</b>
<input type="checkbox"/> three months	\$ 920.00	\$460.00
<input type="checkbox"/> four months	\$1,440.00	\$720.00
<input type="checkbox"/> five months	\$1,960.00	\$980.00

Extension of time fee due with this request: \$200.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

## 7. Fee Payment

The total fee due is:

Completion Fees	65.00
Extension of Time Fee	200.00
<b>Total Fee Due</b>	<b>\$265.00</b>

- ☒ Please charge Deposit Account No. 50-0310 in the amount of **\$265.00** (small entity) representing the Missing Requirements Surcharges and two month extension of time fee.

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- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

8. Additional papers enclosed.

- ☐ Preliminary Amendment
- ☐ Form PCT/IPEA/409 (English Translation)
- ☐ Form PCT/IB/304
- ☐ Form PCT/IB/308
- ☐ Recordation Cover Sheet
- ☐ Assignment
- ☐ PCT/IB/338 English translation of the International Preliminary Examination Report
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, \_\_documents as listed
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



F. Pierre VanderVegt  
Reg. No. 49,088

Date: August 2, 2002

**Customer No. 09629**

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/030,453	Patrick C Kung	044574-5040-01
INTERNATIONAL APPLICATION NO.		
PCT/US01/07608		
LA. FILING DATE	PRIORITY DATE	
03/09/2001	03/09/2000	

09629  
MORGAN LEWIS & BOCKIUS LLP  
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WASHINGTON, DC 20004

CONFIRMATION NO. 5710

371 FORMALITIES LETTER



\*OC000000007792071\*

Date Mailed: 04/05/2002

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Request for Immediate Examination

Docketed 4-16-02 Attorney RGAL/EEV/EEV  
Case 44574-5040-01  
Due Date 6-5-02  
Action Missing Requirements  
By SDW Chk PSB

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

**RECEIVED**

**APR 15 2002**

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHRISTINE S WASHINGTON

Telephone: (703) 305-3752

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/030,453	PCT/US01/07608	044574-5040-01

FORM PCT/DO/EO/905 (371 Formalities Notice)